IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 28671 of 2007(L)

PETITIONER:

WATER SKY MAN POWER CONSULTANTS,
DOOR NO.41/2121 B FIRST FLOOR, SREE BUILDING,
TAB ROAD, NEAR TOWN HALL, ERNAKULAM NORTH,
KOCHI-18,REP.BY ITS MANAGER P.SURESH, AGED 39 YEARS
S/O.CHANDRAN, RESIDING AT PUTHENVEETTIL, VARODE PO
OTTAPPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.VINUCHAND

RESPONDENTS:
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1. STATE OF KERALA, REP.BY SECRETARY,
HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. ASST.COMMISSIONER OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM.

3. CIRCLE INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM.

4. JINO M.K., S/O.M.K.JOSEPH,
CALCUTTA VILLA, KOCHI-18.

5. VIMAL, S/O.CHANDRAN,
CALCUTTA VILLA, KOCHI-18.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 28671 OF 2007-L

Dated 10th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is a firm called "Watersky Manpower Consultants", represented by its Manager. The said firm was recruiting and sending job seekers abroad. Since the petitioner could not arrange job and visa for some of the persons from whom it received substantial amounts, the said persons started demurring. Later, they started coming to the business premises of the petitioner. They are allegedly causing obstruction to the functioning of the office of the petitioner. The petitioner submits, it is taking every effort to settle the claims of such persons. Two of them are impleaded as respondents 4 and 5 in this writ petition. The petitioner can settle their claims, if only it is able to function its office and run its business. Against the obstruction caused by respondents 4 and 5 and others, the petitioner has moved the police. But, they are not extending any helping hand. Hence this writ petition, seeking appropriate reliefs.

2. The 3rd respondent has filed a statement, in which it is submitted

that the Managing Director of the petitioner is an accused in 12 cases, involving offences under Sections 406 and 420 of I.P.C. He has obtained anticipatory bail in three of the crimes registered against him. The petitioner's licence to function as recruiting agent granted by the Ministry of Overseas Indian Affairs has been cancelled by the Protector General of Emigrants by order dated 26.7.2007. Now, the petitioner is not entitled to run its business in the face of the said order, it is submitted. The said respondent prays for dismissal of the writ petition.

3. The Managing Director of the petitioner is an accused in several cases, involving allegations of cheating job seekers. Therefore, we feel that is not proper for this Court to grant protection to the petitioner to run its business. Accordingly, we decline jurisdiction and the writ petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/